

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

CASE NO.: 1:22-cv-21004-MD

**JESSICA GUASTO,**

Plaintiff,

vs.

**THE CITY OF MIAMI BEACH, FL,**  
a Florida municipality,

Defendant.

---

**JOINT STATEMENT OF UNDISPUTED FACTS**

The Parties, through their counsel and pursuant to the Court's May 9, 2024, Order Setting Trial and Pre-Trial Schedule, Requiring Mediation, and Referring Certain Matters to Magistrate Judge [DE 59], file their Joint Statement of Undisputed Facts.

**UNDISPUTED FACTS**

1. On or about January 27, 2012, the City hired Plaintiff for the position of Police Officer. Plaintiff's New-Hire Paperwork is attached at **Exhibit 1**. See Exh. 1, Bates Nos. City 000856 – 000857.

2. On August 31, 2018, Plaintiff filed a Charge of Discrimination ("2018 Charge") with the EEOC. The 2018 Charge is attached as **Exhibit 2**.

3. On July 13, 2020, Plaintiff filed her second EEOC Charge against the City, EEOC Charge No. 510-2020-04794 ("2020 Charge"). The 2020 Charge is attached as **Exhibit 3**, Bates Nos. City 001232 – 001233.

4. On or about December 18, 2023, Plaintiff, the FOP (Plaintiff's Union at the City), and the City entered into a Settlement Agreement and a Last Chance Agreement. A copy of the Settlement Agreement and the Last Chance Agreement are attached as **Exhibit 4**, Bates Nos. City 001235 – 001238; 001240 – 001246; 001248. As part of the Last Chance Agreement, Plaintiff executed an Irrevocable Letter of Resignation ("Resignation"). *See* Exh. 4, Bates Nos. City 001248.

5. On January 25, 2021, then-Chief of Police Richard Clements, issued a Memorandum to Plaintiff. The January 25, 2021, Memorandum is attached as **Exhibit 5**, Bates Nos. City 001253 – 001267.

6. On June 22, 2021, Plaintiff filed her third EEOC Charge against the City, EEOC Charge No. 510-2021-05270 ("2021 Charge"). The 2021 Charge is at DE 1-1.

7. On April 2, 2022, Plaintiff filed her Complaint. *See* DE 1.  
Dated: June 3, 2024.

Respectfully submitted,

By: /s/Michael L. Elkins  
Michael L. Elkins, Esq.  
Florida Bar No. 523781  
[melkins@mlelawfirm.com](mailto:melkins@mlelawfirm.com)  
**MLE LAW**  
1212 NE 16<sup>th</sup> Terrace  
Fort Lauderdale, FL 33304  
Telephone: 954.401.2608  
*Co-Counsel for Defendant*

By: /s/Henry J. Hunnefeld  
Henry J. Hunnefeld, Esq.  
Florida Bar No. 343811  
[henryhunnefeld@miamibeachfl.gov](mailto:henryhunnefeld@miamibeachfl.gov)

By: /s/Benjamin J. Braun  
Benjamin J. Braun, Esq.  
Florida Bar No. 1017937  
[benjaminbraun@miamibeachfl.gov](mailto:benjaminbraun@miamibeachfl.gov)

**CITY OF MIAMI BEACH**  
**CITY ATTORNEY**  
City Attorney's Office  
1700 Convention Center Drive  
Fourth Floor- Legal Department  
Miami Beach, FL 33139  
Telephone: 305.673.7470  
*Co-Counsel for Defendant*

By: /s/Daniel J. Barroukh  
Daniel J. Barroukh, Esq.  
[danielb@dereksmithlaw.com](mailto:danielb@dereksmithlaw.com)  
**DEREK SMITH LAW GROUP, PLLC**  
520 Brickell Key Drive  
Suite O-301  
Miami, FL 33131  
*Counsel for Plaintiff*

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on June 3, 2024, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record or pro se parties identified on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

/s/Michael L. Elkins  
Michael L. Elkins

**SERVICE LIST**

CASE NO.: 1:22-cv-21004-MD

Daniel J. Barroukh, Esq.

[danielb@dereksmithlaw.com](mailto:danielb@dereksmithlaw.com)

**DEREK SMITH LAW GROUP, PLLC**

520 Brickell Key Drive

Suite O-301

Miami, FL 33131

*Counsel for Plaintiff*